

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA

v.

JAMES J. CARROLL

No. 14 CR 287-6

Judge Martha M. Pacold

**DEFENDANT JAMES CARROLL'S MOTION
FOR CLARIFICATION OR STAUS HEARING**

Defendant James Carroll respectfully requests, on the following grounds, that the Court clarify its May 23, 2025 Order (Dkt. 510) or set a status hearing to address the order:

1. On September 9, 2022, the Court sentenced Mr. Carroll to 41 months in prison. (Dkt. 443).

2. On February 16, 2023, Mr. Carroll moved under 28 U.S.C. § 2255 to vacate or set aside his sentence, arguing that he received ineffective assistance of counsel in violation of his Sixth Amendment rights. (No. 23 C 963, Dkt. 1). Specifically, Mr. Carroll contends that his counsels' performances leading up to and during sentencing fell below an objective standard of reasonableness, and that these failures resulted in Mr. Carroll's receiving a higher sentence than he would have otherwise received. Mr. Carroll asked this Court to vacate or set aside his sentence and order a new hearing. As of May 2023, the motion was fully briefed.

3. During the ongoing pendency of his § 2255 motion, Mr. Carroll has requested successive 90-day extensions of his report date to afford the Court additional time to review the briefs and ultimately rule on the merits of the motion. (Dkt. 467,

472, 478, 483, 486, 488, 494, 496, 501, 503, 509). The Court has granted these requests on every occasion. (Dkt. 473, 479, 484, 487, 489, 495, 497, 502, 504, 510).¹ Until its most recent order doing so, the Court observed in each such order that “[t]he Section 2255 petition has been filed and is currently pending ... and has now been fully briefed and is under consideration.” (Dkt. 504).

4. But, in its most recent order, setting a report date of September 2, 2025, the Court did not make the same observation; instead, it stated, “This is a final extension.” (Dkt. 510).

5. Mr. Carroll respectfully seeks clarification of this last statement. On the one hand, the “final extension” language could be read to imply that the Court has fully considered the pending § 2255 motion and that a ruling is imminent. On the other hand, read literally, the language would seem to foreclose a further extension even if the motion remains under consideration. Because that reading would suggest a departure from the Court’s otherwise consistent approach thus far, and because counsel is unaware of any changed circumstance that would warrant this departure, the undersigned respectfully seeks clarification as to the intention behind the Court’s most recent order. Such clarification would facilitate counsel’s efforts to anticipate near-term developments and assist Mr. Carroll in preparing for them. Should the Court prefer to discuss this issue with the parties rather than entering a written

¹ As stated previously, Mr. Carroll is now 74 years old. He pleaded guilty on February 3, 2016, and he had no issues in the six years that he awaited sentencing. (Dkt. 130, 443). He has no other criminal history, and he currently works two jobs. (Dkt. 360).

order, Mr. Carroll is available to appear during the week of June 2, 2025, at the Court's convenience.

6. Undersigned counsel has spoken to the Assistant United States Attorney assigned to this case, who advised that, while the government continues to oppose any extensions for the same reasons set forth in its brief filed on February 24, 2023, (Dkt. 471), it has no objection to the relief requested in this motion, *i.e.*, clarification of the Court's May 23 Order.

WHEREFORE, Mr. Carroll respectfully requests that the Court grant this motion and enter an order clarifying its May 23, 2025 Order (Dkt. 510) or setting a status hearing to address the order.

Date: May 30, 2025

Respectfully submitted,

JAMES J. CARROLL

By: /s/ John Pavletic

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